

THE CORPORATION OF THE TOWNSHIP OF O'CONNOR

COMPLAINTS POLICY

PURPOSE: The purpose of this policy is to provide interested Parties with the information required to register a formal Complaint against any aspect of Township Operations, and to outline for them the procedure that will be followed in an attempt to resolve a Party's concerns.

SCOPE: This policy applies to:

1. Complaints that property owners and/or occupiers are violating Township laws;
2. Complaints about conduct of, or activity of Members of Council or Township Personnel, whether on-duty or off-duty;
3. Complaints about Contractors;
4. Complaints about processes or procedures associated with Township Operations; and
5. Complaints about Township Facilities or Infrastructure.

OBJECTIVES: The objectives of this policy are to provide for appropriate and consistent investigations leading to resolution for any Complaint received.

GOVERNING PRINCIPLES AND EXPECTATIONS:

1. The Township believes that all persons with whom its Members of Council, Township Personnel or Contractors interact are entitled to be treated with dignity and respect.
2. As a corollary to paragraph 1 immediately above, the Township believes that all persons interacting with its Members of Council, Township Personnel or Contractors should treat those persons with dignity and respect.
3. The Township expects Members of Council, Township Personnel and Contractors to act professionally and courteously in the course of their activities for the Township.
4. The Township expects that Township Facilities and Township Infrastructure will be maintained appropriately and in accordance with Applicable Law.
5. The Township expects Township Personnel and Contractors to adhere to the terms and conditions of Applicable Law and of any governing contracts.
6. This policy provides a process by which any person may make a Complaint to the Township and have that Complaint formally resolved. This policy does not oblige any person with any grievance to follow the procedures set out in it. Persons with grievances may wish to attempt to resolve their issues informally. This policy exists for circumstances where persons either do not wish to resolve their issues informally, or where attempts to informally resolve issues have not been successful.
7. Nothing in this policy prevents any person from communicating with the Ontario Provincial Police in the event that he or she suspects or has evidence that a Provincial Offence or a Criminal Offence has occurred.

RELATED POLICIES: Code of Conduct for Council; Code of Conduct for Employees; By-laws relating to Committees established by the Township; Road Maintenance Standards, and any other by-laws or policies that reference acceptable behaviours and/or set out standards.

DEFINITIONS OF TERMS: Terms expressed in this policy with their initial letters capitalized are intended to have the meanings set out for them in this section. Where another policy or by-law being referenced in a Complaint assigns a different meaning to the same term, care must be taken to establish the intention of the author of the document.

- a) “Applicable Law” means any common law (including the law of trespass and laws relating to libel or slander), any policy of the Township, any by-law of the Township, any Provincial or Federal Statute and/or any Provincial or Federal regulation which applies in the circumstances of a particular activity.
- b) “Clerk” means the person, regardless of his or her title, who fulfils the role of the clerk for the Township, as contemplated by the Municipal Act. In circumstances where the Clerk is absent from the Township, the person delegated his or her authority in his or her absence is the Clerk for the purposes of this policy.
- c) “Closed Meeting” means a meeting of the Council or of a committee of Council at which members of the general public are excluded from attending. Closed Meetings may form portions of regular meetings where a resolution is passed to move the assembly to closed session in accordance with the provisions of the Municipal Act.
- d) “Closed Meeting Investigator” means a person appointed to the role of closed meeting investigator as contemplated in the Municipal Act
- e) “Code of Conduct for Council” means the rules and principles set out in a By-law passed by Council setting out expected behaviours for Council.
- f) “Code of Conduct for Employees” means the rules and principles set out in a By-law passed by Council setting out expected behaviours for employees and for the Chief Building Official.
- g) “Complainant” means a person who submits a formal Complaint.
- h) “Complaint” means written advice provided by an identified third party outlining that he or she believes that the Township, the Township Council, one or more Members of Council, one or more Members of Township Employees or one or more Volunteers has in any capacity violated Applicable Law or otherwise acted inappropriately. Verbal Complaints will only be acted upon in Emergency Circumstances. Anonymous Complaints will not be acted upon at all.
- i) “Contractors” are individuals or corporate entities that enter into formal agreements with the Township to provide service or undertake tasks. Where a “Contractor” is a corporate entity, the term refers to all of its employees, agents or officers while undertaking work in fulfillment of the agreement with the Township. Where a “Contractor” is an individual person, the term refers to any other person that the Contractor works with or instructs in fulfillment of the agreement with the Township.

- j) "Council" means the municipal council for the Township.
- k) "Department Head" means the Clerk, the Leadhand, the Fire Chief or the Chief Building Official.
- l) "Emergency Circumstance" means any circumstance which significantly increases risk of injury to persons or property. An example of an Emergency Circumstance is the presence of an object on a travelled highway that is obstructed from view, but would cause damage and/or injury if struck by a vehicle operating ordinarily on the highway. Another example of an Emergency Circumstance is the formation of ice on a building which is in a precarious state, and may come loose and fall upon a person or vehicle, causing injury or damage.
- m) "Frivolous" means not having any serious purpose or value.
- n) "Integrity Commissioner" means a person appointed to the role of integrity commissioner as contemplated in the Municipal Act.
- o) "Member of Council" means any elected or appointed member of the Council, including the Mayor.
- p) "Message" means a written Complaint or a verbal Complaint.
- q) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended from time to time, including successor legislation.
- r) "Township" means The Corporation of the Township of O'Connor.
- s) "Township Facilities" means land, buildings, vehicles and/or equipment owned and/or operated by the Township. The term includes: the Township office; the O'Connor Community Centre; the Township garage, Road Department vehicles or equipment, the fire hall, Fire Department vehicles or equipment, the landfill site; and any other realty or equipment belonging to the Township.
- t) "Township Infrastructure" means roads, culverts and bridges owned and maintained by the Township.
- u) "By-Law Enforcement Officer" means
 - 1) a person appointed by the Council by by-law to enforce the by-laws of the Township and/or
 - 2) a member of the Ontario Provincial Police Service.
- v) "Township Operations" means any activity undertaken by or on behalf of the Township, including:
 - 1) Building Department operations (including: issuing building permits, meeting with members of the public, inspecting construction projects, issuing orders under the Ontario Building Code, attending training courses, processing associated paperwork, etc.);
 - 2) Fire Department operations (including: recruiting Volunteers, fire prevention, public education, fire suppression, first responder services, property inspections, meeting with members of the public, training, etc.)
 - 3) Road Department operations (including: operation of equipment for maintenance, repair or construction of Township Infrastructure or Township Facilities, purchasing parts and supplies, inspecting property, preparing necessary paperwork, attending training courses,

- liaising with contractors or other members of the public, delivering material or equipment, etc.)
- 4) Landfill Site operations (including: opening and closing sites for public access, directing members of the public as to use of the site in accordance with Applicable Law, liaising with members of the public, undertaking required paperwork, etc.)
 - 5) Administrative Department activities (including: in-person, telephone or electronic customer service communications, provision of information and appropriate instruction to the public, etc.)
 - 6) Activities of Members of Council (including: responding to enquiries, representing the Township at meetings and public events, participating in public events, participating in meetings of Council or its committees, etc.)
 - 7) Any activities undertaken by Volunteers on the Township's behalf;
 - 8) Duties associated with employment contracts or job descriptions (including management and discipline of employees, preparing reports for other orders of Government, adherence to Applicable Law, etc.)
- w) "Township Personnel" means Township Employees or Volunteers.
 - x) "Township Employees" means persons employed by the Township, excepting Members of Council.
 - y) "Subject" means a person, including a member of Township Personnel, a Member of Council, or a member of the general public, who is the subject matter of a Complaint.
 - z) "Vexatious" means undertaken with the intention of causing annoyance, frustration, or worry, and for no other purpose.
 - aa) "Volunteer" means a person undertaking activity on behalf of the Township without compensation or for nominal compensation. The term includes: members of O'Connor Volunteer Fire Department, persons who serve on committees to which they are appointed by Council, persons who assist at a public event hosted by the Township or a committee of Council, etc.

INTERPRETATION RULES:

The terms "include", "includes", "including" and "included" are not intended to limit or modify the meaning of the words or phrases that precede or follow them.

Words written as singular terms may be interpreted as plurals where circumstances warrant. Words written as plurals may be interpreted as single terms where the context or circumstances warrant.

Activity governed by this policy includes both "direct" and "indirect" activity. Where any person or company causes, allows or permits activity by another person or company, that person can be held responsible for the activity that he, she or it caused, allowed or permitted.

Where this policy references a place or thing, the reference is deemed to include either all or part of that place or thing, as the context or circumstances warrant.

PART ONE: SUBMISSION OF A COMPLAINT:

All persons submitting Messages must identify themselves and provide contact information. Anonymous Messages will not be acted upon.

A person with literary or other disabilities may request the assistance of others in preparing a written Complaint, however, he or she must either sign the Complaint or make his or her mark upon it once it is completed, to acknowledge it as his or her own. Where the Complaint is not signed before an employee of the Township office, the Complainant's signature or mark must be witnessed by an adult person who is capable of attesting to the fact that the signature or mark is indeed that of the person's that it is purporting to belong to, and that the person who so marked the form did so without undue influence, and while having the mental capacity to do so.

1. NON-EMERGENCY CIRCUMSTANCES

Persons may submit Complaints relating to non-Emergency Circumstances by letter, email or facsimile. Verbal Complaints (received in person or over the telephone) must be reduced to writing to be considered to be Complaints in accordance with this policy. Township Personnel who assist persons in writing out their Complaints from verbal information must confirm that the written document contains all relevant information. The Complainant must sign the written document prepared by Township Personnel to confirm his or her agreement with it.

2. EMERGENCY CIRCUMSTANCES

Persons may submit verbal Complaints relating to Emergency Circumstances.

3. WHEN AND TO WHOM TO SUBMIT MESSAGES:

Messages which do not involve Emergency Circumstances or the activities of the Clerk shall be submitted to the Clerk either during regular business hours, or outside of regular business hours by letter, email or facsimile, to be addressed during business hours when it is received. Where a person other than the Clerk receives a Message, that person shall advise the Complainant to make his or her Complaint formally to the Clerk.

Where the Message involves Emergency Circumstances relating to Township Infrastructure or Township Facilities that need to be addressed as soon as practicable to avoid damage to persons or property, it can be submitted at any time, whether inside or outside of business hours. The person who receives the Message shall immediately contact the Mayor. Where the Mayor cannot be contacted, the person who receives the Message shall contact the Leadhand. Where the Leadhand cannot be contacted, the person who receives the Message shall contact the Fire Chief or the Deputy Fire Chief. If none of the above individuals can be contacted, the person who receives the Message may act upon it him- or herself to avoid damage or injury. If the person who receives the Message is unable to resolve the issue personally, he or she shall continue to attempt to reach the Mayor, the Leadhand, the Fire Chief or the Deputy Fire Chief until he or she is successful.

Where the Complaint relates to the activities of the Clerk, it shall be submitted to the Mayor

either during regular business hours, or outside of regular business hours by letter, email or facsimile, to be addressed during business hours when it is received. Where a person other than the Mayor receives a Complaint relating to the activities of the Clerk, that person shall advise the Complainant to make his or her Complaint formally to the Mayor. Where the Complainant is not comfortable bringing the Complaint to the Mayor him- or herself, the person who received the Complaint shall bring it to the attention of the Mayor.

PART TWO: PROCEDURES FOR COMPLAINTS & INVESTIGATIONS FOR DIFFERENT TYPES OF COMPLAINTS

1: COMPLAINTS RELATING TO ALLEGED INFRACTIONS OF TOWNSHIP BY-LAWS, OR PROVINCIAL STATUTES ENFORCED BY THE TOWNSHIP

Where the Complaint relates to matters of Provincial or Federal laws that are not enforced by the Township, the Complainant shall be so advised, and shall be directed to the appropriate enforcement agency or authority.

All Complaints relating to matters under the Ontario Building Code shall be referred to the Chief Building Official. The Chief Building Official and the Clerk shall work together to attempt to resolve the matter.

All Complaints relating to matters under the Ontario Fire Code and/or any by-laws administered by O'Connor Fire Department shall be referred to the Fire Chief. The Fire Chief and the Clerk shall work together to attempt to resolve the matter.

If the Subject has not been alleged to have committed the same (or substantially similar) infraction within a twelve month period preceding receipt of the Complaint, the Clerk shall write a warning letter to the Subject, outlining the requirements of the by-law and advising that the activity should cease. This letter shall politely advise the Subject that future Complaints may lead to prosecution for by-law violations. The Complainant shall be provided with written confirmation that a warning letter has been sent, with advice for future Complaint submission in the event that the warning letter does not lead to cessation of the offending activity.

In many cases, the warning letter will suffice to deal with the circumstances. However, if a further Complaint is received relating to the same Subject, within twelve months of the date of the warning letter, the Clerk shall refer the matter to the Township By-Law Enforcement Officer for investigation.

The Clerk and the By-law Enforcement Officer and/or Chief Building Official and/or Fire Chief shall work together, with the Complainant, where applicable, to resolve the matter. All attempts to resolve the matter without prosecution through the courts will be undertaken. Prosecution is a last resort, but will be undertaken where circumstances warrant and where there is sufficient evidence to support a conviction.

The identity of the Complainant shall not be divulged to the Subject without the consent of

the Complainant. If the identity of the Complainant must be disclosed in order to properly resolve the matter, and if the Complainant will not consent to that disclosure, the file will be closed and a written explanation as to why it is closed shall be sent to the Complainant.

The Clerk shall keep the Council informed of the activities associated with active Township Law Enforcement matters.

2: COMPLAINTS RELATING TO CLOSED MEETINGS OR COMPLAINTS THAT A MEMBER OF COUNCIL HAS NOT ADHERED TO THE CODE OF CONDUCT FOR COUNCIL

PART A: INITIAL STEPS BY COMPLAINANT:

1. **OPTIONS:** A person who has either:
 - a) observed one or more Members of Council participating in activities or behavior that he or she feels contravenes the Code of Conduct for Council; or
 - b) observed Council or a committee of Council close a portion of a meeting to the public in a manner that he or she feels contravenes the Act;
is welcome to either address the matter in (a) with the individual(s) directly, or the matter in (b) with the Council at an upcoming Council meeting, or to submit a formal Complaint. The Complainant may pursue a formal Complaint without having first advised the individuals or Council, as the case may be.
2. **DIRECT ADDRESS:** Where a person wishes to deal with the matter directly, this paragraph applies.
 - a) To address a Code of Conduct for Council Complaint directly, each Member of Council whose activity is involved should be spoken to individually, and privately. The speaker should reference the activity or behaviour, should advise the Member of Council that he or she believes that it contravenes the Code of Conduct for Council and should encourage the Member of Council to cease the offending behavior or activity. If a resulting discussion resolves the issue to the satisfaction of the offended person, he or she should communicate that fact to the Member of Council involved.
 - b) To address a Closed Meeting Complaint directly, the Complainant should request a deputation before an upcoming Council meeting in accordance with the rules associated with deputation requests in the Township's Procedure By-law.
3. **FORMAL COMPLAINT REQUIREMENTS:** Any person may submit a Complaint in writing to the Township alleging that one or more Members of Council have acted in a manner which is contrary to this Code of Conduct for Council, or alleging that Council (or a committee of Council) closed a meeting to the public illegally. The Complaint document must set out the Complainant's reasonable and probable grounds for his or her belief that the contravention occurred.

4. **FORMAL COMPLAINT SUBMISSION:** The written Complaint shall be provided to the Township office. If it is submitted electronically such that the recipient does not have an original signature, the Complainant must otherwise (i.e. by mail or delivered copy) provide the original, bearing original signatures. If the Complainant wishes to have his or her identify concealed from anyone other than the Clerk or the Integrity Commissioner, he or she should so indicate. Upon receipt of the original document, the Township employee shall open a file. No action will be taken until the original document is received. Once that occurs, the process in paragraph 5 (and beyond) can commence.

PART B: SECONDARY STEPS BY CLERK:

5. **CONTENT REVIEW:** The Clerk will review the Complaint document to determine whether or not it is complete, and, in the case of a Code of Conduct for Council Complaint, whether or not it involves behavior or activity that is governed by the Code of Conduct for Council. Where the Complaint document is complete and is within the jurisdiction of the Integrity Commissioner, the Clerk will so advise the Complainant, in writing, including a copy of the Complaint document for the Complainant's records, and the steps in paragraph 7 (and beyond) will follow. Where the Complaint document is incomplete or outside the jurisdiction of the Integrity Commissioner, the Clerk will advise the Complainant of this fact, and assist him or her in re-directing the Complaint appropriately. When the discussion is complete, it will be summarized in writing by the Clerk and the summary sent to the Complainant, returning the original Complaint document (if it had been retained), and keeping a copy for the Township file.

In either case, the written communication from the Clerk to the Complainant will include a copy of the Policy outlining the investigation process.

The steps in paragraphs 6 and 7 may occur simultaneously.

6. **COPY TO MEMBER OF COUNCIL:** The Clerk shall provide a photocopy of the Code of Conduct for Council Complaint document to each Member of Council who is the subject matter of the Complaint. The Clerk shall provide a photocopy of the Closed Meeting Complaint document to all Members of Council and to each member of a committee that is the subject matter of the Complaint. In each case, the document shall be redacted to delete the personal information of any person who has not consented to the use of his or her personal information in this step of the investigative process.
7. **ENGAGEMENT OF INTEGRITY COMMISSIONER:** Where the Township has appointed more than one Integrity Commissioner, each of them will be contacted by the Township employees to see whether or not he or she is available to investigate and report on the Complaint. If there is more than one Integrity Commissioner who is able and willing to serve, they may be asked to consult with one another to agree upon which of them will undertake the work. Alternatively, or in circumstances

where they cannot agree, the Clerk shall make a determination, based on the individual's expertise and/or fee submission, which of them will be selected to undertake the work. The Clerk shall advise any Integrity Commissioners who are not retained of this fact, and shall provide the retained Integrity Commissioner with confirmation of the retainer, contact information for all involved, and an unreacted copy of the Complaint document. In the case of a Closed Meeting Complaint, the Clerk shall provide the Integrity Commissioner with the information relating to the meeting that is the subject matter of the Complaint, including a copy of the resolution (if any) passed to close the meeting, a copy of the agenda, copies of any reports or other documents reviewed in closed session, whether circulated with the agenda or provided later, including at the meeting, and copies of the minutes of the meeting, if same have been finalized. The Clerk shall advise the Complainant and the involved Members of Council, separately, in writing, of the identity of the Integrity Commissioner who has been assigned to the investigation.

PART C: INVESTIGATION BY INTEGRITY COMMISSIONER

8. **WRITTEN RESPONSE TO THE COMPLAINT DOCUMENT:** The Integrity Commissioner shall, as a first step, require those Members of Council named in a Code of Conduct for Council Complaint, or the Mayor or Committee Chairperson if a Closed Meeting Complaint is involved, to respond to the Complaint document in writing, setting out which parts of it, if any, are agreed to as factual, and which parts of it, if any are denied, together with any facts statements that the Integrity Commissioner should review in the course of the investigation, and copies of any other documents that might have relevance.

The request for written response shall occur within fifteen (15) days of the receipt by the Integrity Commissioner of his or her retainer. The person whose response is required is to be provided a minimum of ten (10) days to respond. The Integrity Commissioner shall take into consideration any information that comes to his or her attention, such as absence from the area for vacation, etc., and shall set all time limits, and permit extensions of time limits upon request, accordingly, at his or her discretion in order to provide fairness to the parties involved.

The Integrity Commissioner shall provide the Complainant with the written response document and any accompanying documents or materials that the Integrity Commissioner agrees are relevant to the matter. Personal information and/or information identifying a Complainant who wishes to remain confidential must be redacted from the disclosed document.

The Integrity Commissioner may require a person to re-write or re-word a document if the required redaction will make the document impossible to understand. If it is impossible to provide a useable document without disclosing the identity of a person who does not wish to be identified, the Integrity Commissioner may request the person to re-consider his or her position in that regard. If the investigation cannot

reasonably proceed without identifying the Complainant (or a material witness) against his or her wishes, Section 13 applies.

9. **CLARIFYING QUESTIONS:** The Integrity Commissioner shall undertake interviews, either in person or through telecommunication, with the Complainant, any named witnesses, any involved Members of Council, and/or the Mayor/Committee Chair for the purposes of clarification of the points outlined in the Complaint document and the written response to the Complaint document. If there is any doubt as to the identity of the person with whom the Integrity Commissioner is speaking or corresponding, or any concern that the person is being unduly influenced by another person in providing answers, the Integrity Commissioner can insist that interviews be conducted in person.

At any time during this process, should the Integrity Commissioner require it, the Complainant, any material witness or any responding individual may be asked to swear an oath as to the accuracy of the facts that he or she is relating.

If the investigation cannot reasonably proceed without identifying the Complainant (or a material witness) against his or her wishes, the Integrity Commissioner may terminate the investigation, and Section 13 applies.

The Integrity Commissioner may speak with anyone relevant to the Complaint, and may access and examine any of the information described in Subsections 223.4(3) and (4) of the Act. He or she may enter any of the Township's work locations relevant to the Complaint for the purposes of investigation and reporting.

10. **INTERIM REPORT IF NECESSARY:** If the Integrity Commissioner is unable to provide his or her report on the conclusion of the investigation within ninety (90) days of his or her having received the retainer, he or she shall provide the Clerk with an interim report that sets out the work undertaken to date, the work still required, and an anticipated time frame within which the final report will be available. This report shall be presented at a public Council meeting, and must be prepared with that in mind to protect any confidential information as required.
11. **CONFIRMATION OF COMPLAINT – REPORT PROCESS:** Where the Integrity Commissioner, after concluding his or her investigation, determines that the Complaint has been sustained, either wholly or partially, he or she will provide a written report to Council for inclusion at an upcoming Council meeting. Where the Complaint involved a Committee of Council, the Clerk shall provide a copy of the Report to the Committee Chair. In all cases, the Clerk shall provide a copy of the Report to the Complainant. This report shall be presented at a public Council meeting, and must be prepared with that in mind to protect any confidential information as required.

In this Report, the Integrity Commissioner shall outline his or her conclusion, and detailed reasons for that conclusion. Conclusions and reasons shall also be included for any portions of the Complaint that were not sustained.

The Report shall also include a recommendation for Council's consideration as to an appropriate penalty for the contravention, with detailed reasons for that recommendation.

With respect to Code of Conduct for Council Complaints, the two penalties authorized by the Act are

- (a) a reprimand to the offending Member(s) of Council; or
- (b) suspension of the remuneration paid to the offending Member(s) of Council for a period of up to ninety (90) days.

Other penalties that the Integrity Commissioner may recommend, recognizing that they are not enforceable, include:

- Removal of the person from committee and/or committee chair duties;
- Request of the person to pay compensation/damages;
- Request return of property or a reimbursement of the value of property; or
- Request that an apology be tendered, identifying to whom the apology should be directed and the mechanism by which it should be delivered.

With respect to Closed Meeting Complaints, the Act does not authorize any penalties where a violation has been confirmed. Rather, the Report from the Integrity Commissioner shall include any recommendations that he or she sees fit to make in the circumstances. These may include amendments to the Procedural By-law, amendments to notice provisions, recommendations relating to record-keeping, etc.

In making recommendations, the Integrity Commissioner shall consider the importance of corrective action that will deter a recurrence of the event that instituted the Complaint.

Where the Integrity Commissioner submits a report under this Section, the Clerk shall place it on the agenda for a meeting of Council that will be held within thirty (30) days of the date that the Clerk received the report.

The report shall be kept confidential until such time as it has been provided to all Members of Council and to the Complainant.

The Council shall make a decision with respect to the recommendations in the report and shall provide its decision, in writing, with reasons, to the Integrity Commissioner and to the Complainant within sixty (60) days of having considered the report at a public Council meeting.

12. **NO CONTRAVENTION – REPORT PROCESS:** Where the Integrity Commissioner, after concluding his or her investigation, determines that the Complaint has not been sustained, he or she will provide a written report to Council for inclusion at an upcoming Council meeting. Where the Complaint involved a Committee of Council, the Clerk shall provide a copy of the Report to the Committee Chair. In all cases, the Clerk shall provide a copy of the Report to the Complainant. This report shall be presented at a public Council meeting, and must be prepared with that in mind to protect any confidential information as required. For clarity, this section also applies in circumstances where the Integrity Commissioner has determined that a contravention of the Code of Conduct for Council did occur, however, the Member or Members of Council involved took all reasonable measures to prevent it, or committed the contravention through inadvertence or through an error in judgement that had been made in good faith.

This Report will state the Integrity Commissioner's reasons for concluding in the manner that he or she did, and will not contain recommendations. Where appropriate, recommendations may be provided to individual Members of Council independently of the report to the Council, and those Members of Council (if any) who receive them may or may not choose to implement them.

This Report is a public document from the time that it is provided to the Clerk.

13. **TERMINATION OF INVESTIGATION – REPORT PROCESS:** The Integrity Commissioner may unilaterally terminate the investigation in any one or more of the following circumstances:
- a) In circumstances where it is impossible to properly and fairly investigate the Complaint without disclosing the identity of a person who will not consent to that disclosure;
 - b) In circumstances where the Integrity Commissioner requested the Complainant, or a material witness to the Complainant's allegations, to provide evidence under oath or affirmation, and that person refused to do so;
 - c) The Integrity Commissioner determines that the Complaint is Frivolous, Vexatious, or not made in good faith; or
 - d) The Integrity Commissioner determines that there are no grounds, or there are insufficient grounds for an investigation.

The Complainant may not unilaterally terminate the investigation. If a request is made by a Complainant to the Clerk to terminate the investigation, the Clerk will notify the Integrity Commissioner of the request, and the Integrity Commissioner will consider that request and determine whether or not to terminate the investigation under this Section. If the request is made by the Complainant directly to the Integrity Commissioner, he or she will so advise the Clerk, immediately upon receipt of the request, and will consider it and determine whether or not to terminate the investigation under this Section.

Where the Integrity Commissioner has determined that the investigation should be

terminated, he or she shall so advise the parties, in writing, including, with detail the reason for the termination. This Report shall be presented at a public Council meeting, and must be prepared with that in mind to protect any confidential information as required.

14. **RE-OPENING A TERMINATED INVESTIGATION**: If the investigation was terminated under Section 13(a) or (b), the Complainant may submit a written request within ten (10) days of the date that the investigation was terminated, requesting that it be re-opened if the person referenced in clause (a) is now willing to allow his or her identity to be disclosed or a person referenced in clause (b) is now willing to provide the oath or affirmation.

PART D: GENERAL PROVISIONS

15. **CHRONIC COMPLAINING**: This policy allows the Integrity Commissioner to make a determination as to whether or not a Complaint is Vexatious, Frivolous or made in bad faith. If a Complaint is characterized in this fashion, that characterization may not be applied to subsequent Complaints submitted by the same Complainant without an initial investigation unless:
- a) that Complainant, or a member of his or her immediate family, has submitted two or more Complaints within the past twelve (12) months that have all been determined to fall under one of those categories; or
 - b) the new Complaint, submitted by a member of the immediate family of a prior Complainant, which is a repeat of one of the prior Complaints that was determined to fall within one or more of those categories, whether in identical language or re-worded;
 - c) the Complainant, or a member of his or her immediate family, has already submitted three (3) Complaints within the past twelve (12) months.

This section is permissive in nature. The Integrity Commissioner may dismiss any Complaint meeting the criteria in paragraphs 15(a), (b) or (c) upon receipt of it, without investigation, however, that decision is his or hers to make in his or her sole discretion. The Integrity Commissioner may, upon reviewing the Complaint document, determine that an investigation should be commenced.

16. **RECORDS MANAGEMENT**: The Integrity Commissioner is a Township officer when acting under this policy, regardless of the location of his or her place of work. After his or her report has been submitted, the Integrity Commissioner shall provide his or her complete file to the Clerk as a Township record. The record shall be considered confidential and shall be retained by the Township for no fewer than eight (8) years, after which time it may be destroyed in accordance with the Township's records retention by-law and policies. The Integrity Commissioner shall not keep any record of the file off of the premises of the Township, in any format. The Integrity Commissioner shall not destroy any records associated with the file, in any format, at any time, whether during the investigation and reporting process or afterwards.

17. **ACCESS**: The Integrity Commissioner shall be permitted full and complete access to the file record of any matter that he or she investigated for research or reference purposes, at any time prior to its destruction. That access will be provided at the Township's office. Neither the original nor any copy of any document or other format of record in the file shall be copied or removed from the Township's property. This clause applies whether or not the Integrity Commissioner involved continues to be retained by the Township as such.
18. **PROCESS CONTROL**: The parties to a Complaint may at any time request that the Integrity Commissioner look at relevant documents or interview relevant witnesses, however, the Integrity Commissioner need not agree to any such request. The Integrity Commissioner retains full control over the methods of his or her investigation, subject to acting reasonably and adhering to the processes set out in this Policy.
19. **PROCESS IMPROVEMENT SUGGESTIONS**: After completing an investigation, the Integrity Commissioner may recommend to the Clerk improvements to this Policy which will facilitate efficiency and expediency in future investigations. The Clerk will report to the Council on the recommendations of the Integrity Commissioner in this regard within thirty (30) days of his or her receipt of them for Council's consideration.

3: COMPLAINTS RELATING TO CONDUCT/ACTIVITY OF TOWNSHIP PERSONNEL (OTHER THAN THE CLERK)

The Clerk shall refer all Complaints relating to Township Personnel to the person assigned the responsibilities to supervise the Subject, and shall work with that Department Head to resolve the issue. Where the Clerk is the Department Head of the Subject, he or she will request that another Department Head participate with the Clerk in the investigation and conclusion of the matter under this section of the Policy. The term "supervisor" in the balance of this section refers to the Department Head assisting the Clerk where those circumstances apply.

The Clerk and the supervisor shall review the Complaint document to determine whether or not it is complete and whether or not it involves behavior or activity that is governed by the applicable Code of Conduct for Employees. Where the Complaint is complete and actionable, the Clerk shall advise the Complainant. Where the Complaint is incomplete or not actionable, the Clerk shall discuss the matter with the Complainant and work with the Complainant to complete the information in the Complaint or to refer the matter elsewhere.

The identity of the Complainant shall not be divulged to the Subject without the consent of the Complainant. If the identity of the Complainant must be disclosed in order to properly resolve the matter, and if the Complainant will not consent to that disclosure, the file will be closed and a written explanation as to why it is closed shall be sent to the Complainant.

The Clerk or supervisor shall provide the Subject with the salient facts relating to the

allegations, in writing. The Subject will be provided with a reasonable time period within which to submit his or her written response to the allegations. Time extensions may be requested and may be granted in appropriate circumstances.

The Clerk and the supervisor may make additional enquiries of either or both the Complainant and/or the Subject if they feel further information is necessary. All such communications shall be undertaken in writing.

Where the Clerk and the supervisor are both convinced that the Subject acted inappropriately, they shall create a written document outlining their conclusions and the reasons for them, and provide them to the Subject. Any resulting disciplinary procedures will occur in accordance with other policies or in accordance with written employment contract provisions, as appropriate. The Complainant shall be advised in writing as to whether or not the substance of the Complaint was accepted, but the Complainant is not entitled to be advised of any further action taken. The Complainant shall be requested to submit further Complaints if the activity continues, and such shall be acted upon accordingly.

Where either the Clerk or the supervisor, or both of them, are not convinced that the Subject undertook the activities in the Complaint, or are not convinced that the Subject violated any Applicable Law or any Code of Conduct for Employees, they shall create a written document outlining their conclusions and the reasons for them, and provide them to the Subject and the Complainant.

The Clerk shall report the outcome of the Complaint process to the Council in Closed Session.

4: COMPLAINTS RELATING TO CONDUCT/ACTIVITY OF THE CLERK

The Mayor shall attempt to resolve Complaints related to the Clerk. The Mayor shall enlist the assistance of a Department Head other than the Clerk in resolving the matter, and in handling any paperwork associated with the Complaint. Where it would be inappropriate to divulge the details of the Complaint to another Department Head, the Mayor shall retain the services of a third party to assist in resolution of the matter. This third party may be a human resources consultant, a lawyer, or the Integrity Commissioner.

The Mayor and the person assisting the Mayor shall review the Complaint document to determine whether or not it is complete and whether or not it involves behavior or activity that is governed by the applicable Code of Conduct for Employees. Where the Complaint is complete and actionable, the Mayor shall advise the Complainant. Where the Complaint is incomplete or not actionable, the Mayor shall discuss the matter with the Complainant and work with the Complainant to complete the information in the Complaint or to refer the matter elsewhere.

The identity of the Complainant shall not be divulged to the Clerk without the consent of the Complainant. If the identity of the Complainant must be disclosed in order to properly

resolve the matter, and if the Complainant will not consent to that disclosure, the file will be closed and a written explanation as to why it is closed shall be sent to the Complainant.

The Mayor and the person assisting the Mayor shall provide the Clerk with the salient facts relating to the allegations, in writing. The Clerk will be provided with a reasonable time period within which to submit his or her written response to the allegations. Time extensions may be requested and may be granted in appropriate circumstances.

The Mayor and the person assisting the Mayor may make additional enquiries of either or both the Complainant and/or the Clerk if they feel further information is necessary. All such communications shall be undertaken in writing.

Where the Mayor and the person assisting the Mayor are both convinced that the Clerk acted inappropriately, they shall create a written document outlining their conclusions and the reasons for them, and provide them to the Clerk. Any resulting disciplinary procedures will occur in accordance with other policies or in accordance with written employment contract provisions, as appropriate. The Complainant shall be advised in writing as to whether or not the substance of the Complaint was accepted, but the Complainant is not entitled to be advised of any further action taken. The Complainant shall be requested to submit further Complaints if the activity continues, and such shall be acted upon accordingly.

Where either Mayor and the person assisting the Mayor, or both of them, are not convinced that the Clerk undertook the activities in the Complaint, or are not convinced that the Clerk violated any Applicable Law or any Code of Conduct for Employees, they shall create a written document outlining their conclusions and the reasons for them, and provide them to the Clerk and the Complainant.

The Mayor shall report the outcome of the Complaint process to the Council in Closed Session.

5: COMPLAINTS RELATING TO CONDUCT/ACTIVITY OF CONTRACTORS

The Clerk shall refer all Complaints relating to Contractors to the Department Head of the Department for which the Subject was working, and shall work with that Department Head to resolve the issue. Where the Clerk is the Department Head of the Subject, he or she will request that another Department Head participate with the Clerk in the investigation and conclusion of the matter under this section of the policy.

The Clerk and the Department Head shall review the Complaint document to determine whether or not it is complete and whether or not it involves behavior or activity that is governed by the applicable agreement. Where the Complaint is complete and actionable, the Clerk shall advise the Complainant. Where the Complaint is incomplete or not actionable, the Clerk shall discuss the matter with the Complainant and work with the Complainant to complete the information in the Complaint or to refer the matter elsewhere.

The identity of the Complainant shall not be divulged to the Subject without the consent of the Complainant. If the identity of the Complainant must be disclosed in order to properly resolve the matter, and if the Complainant will not consent to that disclosure, the file will be closed and a written explanation as to why it is closed shall be sent to the Complainant.

The Clerk or Department Head shall provide the Subject with the salient facts relating to the allegations, in writing. The Subject will be provided with a reasonable time period within which to submit his or her written response to the allegations. Time extensions may be requested and may be granted in appropriate circumstances.

The Clerk and the Department Head may make additional enquiries of either or both the Complainant and/or the Subject if they feel further information is necessary. All such communications shall be undertaken in writing.

Where the Clerk and the Department Head are both convinced that the Subject acted inappropriately, they shall create a written document outlining their conclusions and the reasons for them, and provide them to the Subject. Any resulting actions will occur in accordance with the contract under which the Subject is performing work for the Township. The Complainant shall be advised in writing as to whether or not the substance of the Complaint was accepted, but the Complainant is not entitled to be advised of any further action taken. The Complainant shall be requested to submit further Complaints if the activity continues, and such shall be acted upon accordingly.

Where either the Clerk or the Department Head, or both of them, are not convinced that the Subject undertook the activities in the Complaint, or are not convinced that the Subject violated any Applicable Law or the contract governing the Subject's work for the Township, they shall create a written document outlining their conclusions and the reasons for them, and provide them to the Subject and the Complainant.

The Clerk shall report the outcome of the Complaint process to the Council in Closed Session.

6: COMPLAINTS RELATING TO TOWNSHIP OPERATIONS – PROCESSES OR PROCEDURES

The Clerk shall resolve all Complaints relating to processes, procedures or documents associated with Township Operations.

The Clerk shall review the Complaint document to determine whether or not it is complete. Where the Complaint is complete, the Clerk shall advise the Complainant. Where the Complaint is incomplete, the Clerk shall discuss the matter with the Complainant and work with the Complainant to complete the information in the Complaint or to refer the matter elsewhere.

The Clerk shall review the circumstances outlined in the Complaint and the process, procedure or document associated with the Complaint. The Clerk shall work with the

Complainant to come up with recommendations relating to changes that will address the Complaint to the Complainant's satisfaction.

Where changes must be approved by Council prior to implementation, the Clerk will prepare the necessary report and keep the Complainant advised of the progress of the matter to the appropriate meeting of Council. The Complainant shall be invited to be a deputant to the Council meeting, should he or she so desire.

Where the Council agrees to make the changes that satisfy the Complainant, the Clerk shall make the appropriate changes and so advise the Complainant.

Where the Council does not agree to make the changes that satisfy the Complainant, the Clerk shall advise the Complainant, including Council's reasons for disagreement, and including any alternative changes the Council wishes to make instead of the ones proposed in the Report.

The decision of Council in this regard is final.

7: COMPLAINTS RELATING TO TOWNSHIP FACILITIES OR TOWNSHIP INFRASTRUCTURE

All Complaints shall initially be directed to the Clerk. The Clerk shall review the Complaint document to determine whether or not it is complete and whether or not it identifies a condition that falls short of standards in keeping with the Township's approved policies. Where the Complaint is complete and actionable, the Clerk shall advise the Complainant. Where the Complaint is incomplete or not actionable, the Clerk shall discuss the matter with the Complainant and work with the Complainant to complete the information in the Complaint or to close the file.

The Clerk shall refer most Complaints relating to Township Facilities or Township Infrastructure to the Leadhand. The Clerk shall refer Complaints relating to Township Facilities or Township Infrastructure that is under the authority of O'Connor Fire Department to the Fire Chief. The Clerk shall advise the Complainant to whom the matter was referred, and the expected time table within which the Complaint will be addressed.

The Leadhand or the Fire Chief, as applicable, shall act upon any Message that involves Emergency Circumstances as soon as reasonably practicable to address the risk.

The Leadhand or the Fire Chief, as applicable, shall keep the Clerk advised of the steps being undertaken to address the Complaint, the anticipated time frame within which it will be addressed, and will advise the Clerk as to when and how the Complaint was ultimately addressed. The Clerk shall advise the Complainant, in writing, of the outcome.

Infrastructure and Maintenance policies apply to Complaints related to Township Infrastructure or Township Facilities.

The Clerk shall advise Council of the existence of any Complaint in this regard, and keep Council informed of the progress to resolve the Complaint, including reporting to Council for authority to expend funds to resolve the issue, wherever necessary.

EFFECTIVE DATE: This policy shall come into effect as of December 18, 2017.